



# Policy, COIN Doctrine, and Political Legitimacy

Major Stanley J. Wiechnik, U.S. Army

**I**N A RECENT interview, Dr. John Nagl was asked what he would change in the rewrite of the Field Manual (FM) 3-24, *Counterinsurgency*. He responded—

The biggest question that we have to come to terms with as we rewrite the FM is whether its foundation on the promotion of host nation government legitimacy should be preserved. The manual was written at a particular point in time when democracy promotion was a key tenet of American foreign policy. And the two most important counterinsurgency (COIN) campaigns that we faced in Iraq and Afghanistan were campaigns in which newly created democratic governments were struggling. I am unconvinced that that is the right model, that the only way to achieve legitimacy is through democracy promotion early on in a counterinsurgency campaign. I think that this is the most fundamental question we have to come to terms with.<sup>1</sup>

Nagl's comments highlight three points. First, political legitimacy is still a key problem in COIN operations and something we did not get right the first time around. Second, the manual was written in the shadow of a specific political policy; spreading liberal democracy must be part of the goal of COIN and stability operations. Third, pushing for democracy too early may not always be feasible or even advisable.

Recent policy statements may have opened the door to review how we prioritize COIN operations in the future. This article will look at what the old policy was and how it affected doctrine, then look at a recent shift in policy and try to divine what ramifications this shift should have on COIN and stability operations with regard to how the military looks at political legitimacy. I will discuss a more expansive approach to political legitimacy than our doctrine currently embraces and make some suggestions on how future doctrine should look at legitimacy.

Major Stanley J. Wiechnik, U.S. Army, is an assistant professor of military science at Northeastern University in Boston, MA. He holds a B.S. from Indiana University and a J.D. from the Vermont Law School. His assignments include serving as commander of an engineer company in Afghanistan and executive officer of an engineer battalion in Iraq.

PHOTO: Iraqi Army COL Sagad, left, and retired U.S. Army LTC John A. Nagl, Ph.D., right, author of *Counterinsurgency Lessons from Malaya and Vietnam*, pose for a picture in the Ashshar district of Basra, Iraq, 3 August 2008. (U.S. Army, PFC Rhonda Roth-Cameron)

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## Prior U.S. Policy

Previous administrations have made spreading democracy and liberal ideals a foreign policy objective. Democracy promotion has been part of U.S. policy since the end of World War II, but, with the end to the cold war, the policy did not require extensive Defense Department participation. The George W. Bush administration made the idea a central component of its anti-terrorism campaign and its defense policy, particularly in the Middle East.<sup>2</sup> The policy relies on the idea that terrorists are not able to thrive where democratic values and freedoms exist.

The method chosen to spread democracy was a variation of democratization theory based on the idea that if one creates democratic institutions, the population's values will change to embrace these institutions.<sup>3</sup> If one creates democratic systems, including legislatures and executives filled by elected representatives, the population will embrace democracy. In addition to the government structure, one must build an open, educated, and economically strong civil society.<sup>4</sup> This would require schools and other socioeconomic systems that support democracy. This was the *Field of Dreams* philosophy: if you build it, they will come. In locations like Afghanistan, this means a massive nationbuilding effort along with a strong security presence.

The policy required that when we decided it was in our national security interests to intervene in a situation where there was either a failed state or we had effected regime change, it did not matter what form of government the local population saw as legitimate. When we departed, the only form of government that would be acceptable was one that supported democratic institutions, and not just any democratic institution, but one that promoted individual freedom and had a liberal form of political legitimacy.

## Current Doctrine and Legitimacy

According to FM 3-24, legitimacy is the “main objective” in a political insurgency.<sup>5</sup> Whichever side the population regards as legitimate, government or insurgent, has a distinct advantage in the conflict. Yet FM 3-24 spends less than a paragraph on a discussion of types of legitimacy and no time at all on which type the population accepts.<sup>6</sup> Instead, the manual assumes that the population will accept the form of legitimacy the COIN force offers via elections and essential services. FM 3-24 offers no guidance on

how to determine which value set the local population is using or which form of legitimacy it is likely to accept. The sole method of gaining legitimacy discussed is the provision of benefits to the society. The only form of legitimacy offered is constitutional governance via elections. No other alternatives are given. In fact, commonly taught types of legitimacy such as sociologist Max Weber's three archetypes, are listed in the manual as types of authority, not types of legitimacy.<sup>7</sup> Other than the comparison between theocracies and Western liberalism the FM makes no mention of any form of legitimacy normally associated with nonliberal governments.

Stability operations can be a large part of a COIN mission (depending on the nature of the operation). The new FM 3-07, *Stability Operations*, fills a void in COIN doctrine: what to do when you are dealing with a state that is failed or failing and military intervention is required to restore order and support or even create a functioning government.<sup>8</sup> Stability doctrine is even more proscriptive when it comes to legitimacy. One finds little or no discussion of whether a lack of legitimacy contributed to the state's current condition. Worse, it limits a commander's choice of legitimacy. A section under the heading of governance and participation discusses strengthening civil participation to achieve a positive lasting change by developing social, gender, ethnic, and racial equity and equality and promoting individual civil rights.<sup>9</sup> The ideals associated with liberal value systems are all laudable goals, but they may not fit in neatly with the traditional norms and values of the host nation population.

## Current Policy

In January of this year, the White House and Defense Department released “Sustaining U.S. Global Leadership: Priorities for 21st Century

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Defense.” The document outlined our new defense policy, reflecting the limitations of our present and future fiscal reality. Included in the changes was guidance on future stability and counterinsurgency operations:

In the aftermath of the wars in Iraq and Afghanistan, the United States will emphasize non-military means and military-to-military cooperation to address instability and reduce the demand for significant U.S. force commitments to stability operations. U.S. forces will nevertheless be ready to conduct limited counterinsurgency and other stability operations if required, operating alongside coalition forces wherever possible. Accordingly, U.S. forces will retain and continue to refine the lessons learned from the past ten years of counterinsurgency and stability operations in Iraq and Afghanistan. *However, U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.*<sup>10</sup> [emphasis in original]

The paragraph clearly portends a smaller military unable to dedicate forces to long-term stability operations, but it also includes the subtler message; that our goals in stability and counterinsurgency operations

will need to be much more limited. We will not be able to conduct long-term operations to create social structures in our own image. We will not be able to shape political legitimacy.<sup>11</sup> We will be required to determine the form of legitimacy acceptable to the current population and work within that structure.

## Effect on Doctrine

FM 3-07 and FM 3-24 are both restricted by the old policy that limits the options of political legitimacy with which military commanders can work. FM 3-24 implicitly advocates liberal democracy as the main source of political legitimacy. By liberal democracy I mean what most Westerners think of when they use the term “democracy”—a government built on the ideals of human rights that has universal adult suffrage and holds free and fair elections between candidates from multiple parties not built on ethnicity, religion, or a government-endorsed nationalist ideology. This is opposed to functional or illiberal democracies that hold elections but limit the franchise or have a single party system.

The doctrine uses the “if you build it they will come” philosophy that depends on a two-part approach. Part one is creating democratic political institutions. This involves creating a government



(U.S. Air Force, MSGT Robert R. Hargraves)

Rescue workers and U.S. soldiers search through rubble of a UN office in Baghdad, Iraq, after a truck bombing destroyed much of the building during Operation Iraqi Freedom, 21 August 2003.



that includes a legislature, executive, and judiciary, as well as the laws to support them, along with scheduled elections to fill the various positions. The second part is constructing a modern infrastructure that supports these institutions. These transpire sequentially with some form of election held as soon as practical while much of the physical and economic infrastructure is still being built. In essence, the doctrine describes how to create a political structure in the host nation that mimics the Western concepts of modern liberal democracy.

Political legitimacy has ties to a society's value system.<sup>12</sup> Old doctrine states that if one changes the social structures and institutions to democratic ones, the population adopts more liberal values.<sup>13</sup> But changing a society's value system, even with a massive influx of development projects, has proved more difficult than some had thought. This is demonstrated by the lack of real change in women's rights in Afghanistan due to a traditional value system that limits women's freedoms.<sup>14</sup> If one cannot easily change a society's values, changing the forms of legitimacy that society finds acceptable will also be difficult. If extensive modernization programs are no longer practicable, then determining acceptable alternative forms of political legitimacy will be a primary objective.

## Political Legitimacy from a Military Perspective

Legitimacy matters for two reasons. The first has to do with the amount of effort required by political leaders to enforce their will among the people. Generally the citizenry willingly obey the orders and directions of a government seen as legitimate. On the other hand when a government lacks legitimacy it must use coercion to obtain compliance. Coercion can either take the form of bribery to entice the population to comply or violence or threat of violence to force compliance. Legitimacy can be seen as an internal motivator. People comply because they believe that it is the right thing to do. Coercion, or power as it is sometimes referred to, is an external motivator. Coercion must be significant enough to overcome the population's natural tendencies. Maintaining that amount of coercion is expensive, which is why even dictators attempt to find some way to legitimize their government. From a military perspective, maintaining a government that the population sees

***As long as the insurgency maintains political legitimacy in a segment of the population, it has a potential pool of fighters ready to take up arms.***

as illegitimate takes more troops and funding than maintaining a legitimate government.

The second reason legitimacy matters to the military has to do with who the population feels has the authority to use force. When a government seen as legitimate empowers one of its agents, like a police officer, to use force, even deadly force, the citizenry accepts this force as morally right. A soldier commits no crime when he kills an enemy of the state under orders. His connection to the state's rightful authority legitimizes his actions. Similarly, the citizenry can view agents of a nonlegitimate government who use force as criminals. In fact, legitimacy does more than simply grant authority to use force. Legitimacy can make the use of force a morally laudable act. The population often views soldiers as heroes. If a segment of the population sees an insurgency as politically legitimate, it grants the members of the insurgency the authority to use force. This means that, while the government may view the insurgents' actions as criminal, the believers in the insurgency do not share this view. The population may see as morally praiseworthy what the government sees as murderous criminal activity. In fact, every person who sees the insurgency as politically legitimate is now free to become a soldier for that cause. They view themselves as legal combatants. As long as the insurgency maintains political legitimacy in a segment of the population, it has a potential pool of fighters ready to take up arms.

## Sources of Political Legitimacy

According to Jean-Marc Coicaud and David Ames Curtis, political legitimacy arises from three sources: the law, the population's norms, and the population's consent.<sup>15</sup> The government gains legitimacy through adherence to the law that the population accepts. This can be trickier than it might

seem at first. There are a number of different sources of law. Law is based on religious beliefs, natural law (considered the basis of human rights), and positive law (manmade laws based on rational principles). This multiplicity of sources can make determining which type of law the population accepts difficult, but doing so is critical to isolating which type of legitimacy a population will find acceptable.

Another source of legitimacy is the population's norms. Norms are the social rules that the population embraces. Norms are important because they are a reflection of the population's values. Sharing a value system allows individuals to work together. For example, the U.S. Army has core values that it endorses as part of the effort to create a cohesive element. Everyone knows what to expect and can plan their actions accordingly. Norms provide a way to manage uncertainty by setting down the rules that people will follow in a given social situation. They help create predictability in an otherwise unpredictable world. A common set of norms allows a society to function as a group.

A third source of legitimacy is the consent of the people. In many ways, the consent of the people is at the heart of legitimacy. The consent of the people involves an implicit duty to obey the government; to recognize its right to rule. Rights, by their nature, involve an agreement of what one person owes to another. A single person living on a desert island has no need for rights since he has no one on whom to enforce them. Rights distinguish what is due to each person based on his situation and place in the structure of society. In almost all systems, the ruler has the right to use violence to enforce the laws of the community. In most systems, the people have the right to demand certain goods, services, and protections. This unwritten agreement forms the basis of the consent to be governed.

Each of the three sources of political legitimacy rests upon a foundation, the values of the people. A shared value system is the basis of the law. For the people to willingly obey the law, it must conform to the fundamental values of the society. Laws that violate a person's values will often be disregarded. Norms amount to activities that are in concert with society's values. A government must adhere to the values and norms of the society if it expects to have the population to consent to its rule. A society will not willingly consent long to rule by a government

that espouses a different value system than the one it believes in.

The key to understanding what government a population will accept as legitimate is to understand a society's values systems. Broadly speaking, there are two types of value systems, individual and communal.

**Individual.** In individualistic cultures there is an "I" consciousness.

- Identity is an individual matter, often the more individualistic, the better.

- Emphasis is on individual achievement.

- Everyone has a right to his or her own opinion and privacy.

- People feel guilt if they violate a social norm and are viewed by others as personally responsible for their actions.

- Friends are chosen individually.

- All people are treated the same.<sup>16</sup>

These value systems can be associated with liberal democratic systems or with political systems that are only functionally democratic or not democratic at all. Societies with individualistic value systems prefer liberal democratic governance built on the idea that the government gains its power to rule directly from the citizenry.<sup>17</sup> The rights of each person are upheld over collective rights. Sayings like "it is better to let ten guilty men go free than to imprison one innocent man" express the idea that the individual is more important than the group. Legitimacy in these types of government is based on liberalism or the primacy of individual human rights.

**Communal.** The reverse is true in societies with communal value systems. In the communal value system, a common identity is the most important thing.

- The members of society who have a communal system have a "we" consciousness; the organization dictates private life.

- Personal actions are considered praiseworthy when they increase the status or honor of the group.

- Social status determines one's friends.

- People feel shame when they violate social norms and are viewed by others in society as dishonoring the group.

- Opinions are predetermined by what is best for the group.

- There is a clear difference between how members of the in-group and people outside of the in-group are treated.



(U.S. Marine Corps, SSgt William Greeson)

**U.S. Marine Corps BG Larry Nicholson, top left, commander, 2nd Marine Expeditionary Brigade-Afghanistan, meets with Helmand Province government officials at Patrol Base Jaker in the Nawa District of the Helmand Province, Afghanistan, 23 July 2009.**

These societies tend toward functional or non-democratic governments.<sup>18</sup> The individual's desires are subordinate to the community's needs. The motto of the *Three Musketeers*, "All for one, and one for all!" referred to the idea that the people supported and protected the king and the king ruled for the good of all. Personal identity within the group defines the obligations of the individual and those of the group. Common identity, based on ethnic or tribal affiliation, religion, or nationalistic ideology, is central to these societies. Legitimacy in these types of governments relies on the nonliberal ideal of the honor and the survival of the group over any single individual's rights.

## Types of Political Legitimacy

Based on the above systems, there are two broad categories of political legitimacy: liberal and communal or communitarian legitimacy. Liberalism, or some variation of liberalism, is the most common form of legitimacy in western Europe and North America. Liberalism is built on natural law and individual rights. All people have inalienable rights

that the government cannot restrict. These rights vary with each nation, but the basic idea is the same: the people have rights that the government cannot violate. The political system we most commonly associate with liberalism is democracy. Democracy and liberalism have close ties, but they are not the same thing. Liberalism is the form of legitimacy in which democracy is a system of government.

The alternative is nondemocratic legitimacy. The most common form is communal legitimacy. It is not based exclusively on rights but on a combination of privileges and duties, which limit rights. Members have duties either to other individuals or to the society as a whole, and they grant to government the power to enforce these duties. For example, societies such as Thailand that have communal forms of legitimacy sometimes willingly restrict free speech. Thailand has laws that punish any citizen for besmirching the name of the king. Depending on the type of legitimacy, duties may have their origin in an ethnic or tribal group, a religion, or an ideology like communism. Societies with communal forms of legitimacy may



still have functionally democratic institutions, but Westerners regard them as less than democratic because of the limited number of political parties or restrictions on voting or holding office.<sup>19</sup>

Traditional societies appear to prefer nonliberal, communal political legitimacy. Their values arise from the community as a whole. They value group honor, identity, and survival above individual identity. The three most common identifiers are religion, ethnicity, and ideology.<sup>20</sup>

*Religion* is often a basis for political legitimacy in nondemocratic states. Like Iran, many states use religion as the basis for their legitimacy. Others use religion to help bolster their legitimacy, usually in the form of a connection with a religious figure such as the Prophet Mohammed. For example, the kings of both Jordan and Morocco present themselves as direct descendants of the Prophet.<sup>21</sup>

*Ethnicity* can also form the basis of legitimacy in a communal system. Being a member of the right clan, tribe, or ethnic group may be a prerequisite for leadership. Iraqi Kurds essentially run an independent country and are unwilling to accept the legitimacy of

rule from the non-Kurdish Iraqi central government. Legitimacy based on ethnicity is often built on a form of gerontocracy, or rule by the oldest members of the group. Elders are revered and their counsel is sought after in most matters of importance.

Nondemocratic governments can also use *collectivist ideologies* as a basis for legitimacy. These ideologies usually take the form of an extreme version of nationalism like fascism or communism. They can sometimes be hybrid regimes where the façade of elections supports regime legitimacy. Often these regimes are supported by a common identity and a charismatic personality. Examples would include Nazi Germany built on Hitler's charisma and imaginary Aryan identity or Nasser's presidency in Egypt, built on the combination of his personality and Arab nationalism.<sup>22</sup>

## Application—Afghanistan

Afghanistan is an example of how considering cultural norms and values can lead to seeing other forms of legitimacy as viable solutions. We first try to determine which value systems are common



(U.S. Air Force, SGT Don Dees)

A young Afghan boy from a Pashtun tribe poses for a photograph near his home in Kabul, Afghanistan, 16 July 2002.



among the population. Liberalism has never taken root in Afghanistan outside a limited portion of the urban population. There is no national ideology. The Russians attempted to establish one and failed.<sup>23</sup> There does appear to be enough of a national identity to keep the country from splintering. There have been civil wars in the recent past but not a realistic attempt at a separatist movement.<sup>24</sup>

The two most prominent value systems are the tribal or ethnic system and the religious system. Ethnic or tribal value systems offer an alternative, but the country is not homogeneous. It contains at least seven major ethnic groups of which the Pashtuns are the largest.<sup>25</sup> The Pashtuns have a history of political leadership in Afghanistan since at least 1747.<sup>26</sup> They have a common identity and shared value system that provides a foundation for political legitimacy. But due to the existence of so many tribal groups, ethnic divisions have caused civil wars in the past, the most recent after the fall of the Soviet-backed government.<sup>27</sup> Still, we must take into account the legitimacy ethnic values systems provide as a way to build a united citizenry and design a future government; the dynamics of the government system must allow for the amount of local autonomy tribal values expect.

Religion is the basis for the second value system. For example, it is the basis of legitimacy the Taliban claim. As a value system and a basis of legitimacy, religion has a broader base than tribal identity and has proven to be a justification for the general population to take up arms. It will be one that the current government cannot confront directly, but instead must co-opt and incorporate into its own system.

Let me make a few suggestions based on these observations. If we are no longer in a position to conduct long-term nationbuilding to change the value system of the population, then we must conduct stability operations based on the sources of legitimacy we find. Building on the two forms of legitimacy that exist and the inherent strengths and weakness in each, perhaps a solution might be a loose parliamentary system based on local representation chosen or nominated by the local population. Perhaps, a party-based system built along ethnic lines will encourage the building of coalitions with common aims. While minority ethnic parties are a divisive element, in reality they only reflect underlying ethnic realities and offer methods to expose

ethnic concerns without the need for violence.<sup>28</sup> The central government, with a prime minister, relies on Islamic principles to garner universal support. Finally, wherever practical, we should build human rights protections into the constitution to the level acceptable to the population but not threatening to the government.

This may not be the preferred solution for many Western powers, but it is probably a realistic one. In stability operations planners can examine the costs of more palatable options. We can look at the problem as a continuum that stretches from the system described above to a fully liberal democracy. The farther away from the base system one moves along that continuum, the more difficult the mission becomes. There is a price to pay in time and treasure for every cultural norm and value system one changes. In a COIN situation maintaining governments that seek to change the social-value system will require maintaining a coercive presence to enforce the cultural changes until they take root on their own, if they ever do.<sup>29</sup> Discussions on the desired end-state and the costs of achieving that end-state, along with the probabilities of success, must occur before the operation commences. Planners should have these discussions when they have a better understanding of the relationship between cultural norms, values, and political legitimacy, not when they can only consider one form of political legitimacy—where only a liberal form of legitimacy equals success.

## Determining Legitimacy

Which form of legitimacy the people will embrace is a relevant question in counterinsurgency and stability operations. It was a question we were not previously required to ask because U.S. policy had always dictated the answer. If that restriction is no longer in place, we have an opportunity to make changes. Planners must understand the various types of political legitimacy. They should learn how to identify the form of legitimacy the population prefers. If there is an insurgency, we must determine which form(s) of legitimacy the insurgency is using. Different sectors of the population may well adhere to different types of legitimacy.

In a COIN operation, we also need to determine which form of political legitimacy the insurgents are advocating. Are they looking to change the

form of legitimacy altogether (as from a traditional legitimacy built on an ethnic identity to a legitimacy built on a religious identity) or are they simply trying to change the regime (trading one ethnic group for another)? The United States should develop a deep understanding of a society's culture and value systems to understand how to target insurgent legitimacy by co-opting it through political concessions or other policy changes while the military concentrates on reducing the insurgency's key leaders and sources of support.

Why does this fall to the military? Mostly because there is no one else who is going to enter a failed state or fight a counterinsurgency. But it is also our duty from another perspective. While it is our mission to promote policy, it is also our job to

let the policymakers know when they are asking too much of the military. Our current doctrine assumes away much of the problem of creating a liberal democracy where a traditional society now exists. We need to be able to tell policymakers what the realistic expectations are for the cost of the operations, the length of the operations, and the probability of success. This will require a better understanding of political legitimacy. Much of this is actually sociology, psychology, and political science, but that does not mean that we can easily pin the rose on another agency. The political and economic climate has changed. The military must be prepared to deal with these changes, which require a greater understanding of the effects of political legitimacy on COIN and stability operations. **MR**

## NOTES

1. Octavian Manea and Dr. John Nagl (February 2012), "COIN is not Dead: An Interview with John Nagl" *The Small Wars Journal*, retrieved from <<http://smallwarsjournal.com/jrnl/art/coin-is-not-dead>>.

2. Susan B. Epstein, Nina M. Serafino, and Francis T. Miko, *Democracy Promotion: Cornerstone of U.S. Foreign Policy?* (U.S. Congressional Research Service, RL34296, 26 December 2007); Thomas Carothers, *Democracy Promotion under Obama: Finding a Way Forward* (Carnegie Endowment for International Peace, Policy Brief No 77, February 2009).

3. Epstein, Serafino, and Miko.

4. For example, recent literature has connected such factors as membership in interpersonal trust networks. Natalia Letki, "Socialization for Participation? Trust, Membership, and Democratization in East-Central Europe," *Political Research Quarterly* 57.4 (2004): 665-79; (education) Elias Papaioannou and Gregorios Siourounis, "Economic and Social Factors Driving the Third Wave of Democratization," *Journal of Comparative Economics* 36 (2008): 365-87 (also available on the web at JSTOR Arts & Sciences II, 27 March 2012); (individual income level) Daniel Stockemer and Carbonetti Benjamin, "Why Do Richer Democracies Survive? The Non-Effect of Unconventional Political Participation," *The Social Science Journal* 47 (2010): 237-51 (also available on the web at ScienceDirect, 27 March 2012).

5. Department of the Army and U.S. Marine Corps Combat Development Command, Field Manual (FM) 3-24/Mcwp 3-33.5, *Counterinsurgency* (Washington, DC: U.S. Government Printing Office [GPO], 2006).

6. Ibid., 1-21. The manual gives an example of a comparison between Western liberal legitimacy and theocratic legitimacy that it associates with medieval monarchies and ancient China as well as modern Iran. Rather than describing the types of legitimacy or discussing them, it gives six possible indicators of legitimacy.

7. While technically correct, the manual confuses two concepts, authority and legitimacy, in a way that allows them to discount other forms of legitimacy. For Weber, legitimacy was a belief in the authority of a leader or government. David Beetham, *The Legitimation of Power* (Atlantic Highlands, NJ: Humanities Press International, 1991). That belief could be based on one of Weber's "three pure types of legitimate authority": rational, traditional, or charismatic; Max Weber, *The Theory of Social and Economic Organization* (New York: The Free Press, 1947).

8. LTG William B. Caldwell, IV, and LTC Steven M. Leonard, "FM 3-07, Stability Operations: Upshifting the Engine of Change," *Military Review* (July-August 2008): 6.

9. The manual says that social capital development activities are founded on pillars that include "human rights by promoting and protecting social, economic, cultural, political, civil, and other basic human rights and equity and equality by advancing equity and equality of opportunity among citizens in terms of gender, social and economic resources, political representation, ethnicity, and race." FM 3-07, *Stability Operations* (Washington, DC: GPO, October 2008).

10. *Sustaining U.S. Global Leadership* [Electronic Resource]: Priorities for 21st Century Defense (Washington, DC: Department of Defense, 2012) (also available

on the web at NUCAT, 15 February 2012).

11. If this is even possible.

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